

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2002-185-C - ORDER NO. 2002-415

JUNE 3, 2002

IN RE: Petition of BellSouth Telecommunications,     )  
      Inc. for Review of NXX Code Denial in         )  
      Summerville Rate Center                         )

ORDER REVERSING  
NANPA DECISION *van*

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Review of the denial by the North American Numbering Plan Administration (NANPA) of BellSouth Telecommunications, Inc.'s (BellSouth's or the Company's) application for use of central office code numbering resources in the 843 area code.

The Federal Communications Commission (FCC) has set a "rate center" basis for determining the need for new numbering resources. Under FCC rules carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources, as well as a months-to-exhaustion requirement of six months.

On or about April 5, 2002, BellSouth submitted a Central Office Code (NXX) Assignment Request (Part 1) and CO Code Assignment/Months-to-Exhaust Certification Request Worksheet to NANPA for the assignment of an NXX code needed, according to the Company, to meet the numbering demands of American LaFrance's United States headquarters' move to the Summerville area. The code assignment request was for a growth code in the 843 NPA to meet American LaFrance's request for 500 sequential numbers for the relocation of its United States headquarters. BellSouth states that it did

not have sufficient numbering resources available within its inventory in the Summerville Rate Center to meet the customer's specific request. At the time of the filing of the code request, the BellSouth Summerville Rate Center had a months-to-exhaustion factor of 24.973 and a utilization of 84.0%.

On or about April 16, 2002, NANPA's Central Office Code Administration denied BellSouth's code request because BellSouth had not met the rate center based MTE criterion now set forth in the Central Office Code (NXX) Guidelines. The Company notes that NANPA denied BellSouth's code requests, despite the fact that BellSouth does not have adequate numbering resources needed to satisfy its customer's demands in the Summerville switch.

BellSouth states that its inability to provide this important customer with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires, needs, and expects. BellSouth notes that if it is not assigned the code needed to meet the customer's request, BellSouth will be unable to provide telecommunications services requested by this customer. Further, according to BellSouth, NANPA's refusal to grant numbering resources sufficient to meet American LaFrance's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at Paragraph 61.

According to BellSouth, both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and

authority to review NANPA's decision to deny a request for number resources. Prior to the FCC's Order and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the exhaustion procedures used by NANPA permitted a carrier to receive a code assignment, even if the requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under today's procedures, NANPA looks at exhaustion for the entire rate center without any exceptions. The FCC has determined, however, that States may grant relief "if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362, Paragraph 64. In addition, the FCC has ruled that, "States...may grant requests for customers seeking contiguous block of numbers." Id.

BellSouth therefore requests that this Commission reverse NANPA's decision to withhold numbering resources from it on several grounds. First, BellSouth notes that NANPA's decision to withhold numbering resources from BellSouth interferes with BellSouth's ability to provide telecommunication services to its customers as required under South Carolina law. Second, BellSouth states that its request for numbering resources would not materially impact exhaustion of the remaining 231 available NXXs in the 843 area code. Lastly, BellSouth states that other state regulatory agencies in Alabama, Florida, Georgia, Louisiana, North Carolina, and Tennessee similarly have recognized their jurisdiction and authority to review NANPA denials and to order the release of number resources to BellSouth to meet customer needs. Specifically, BellSouth

requests that this Commission reverse the decision of NANPA to deny BellSouth's request for additional numbering resources, and direct NANPA to provide the requested central office code for the Summerville switch.

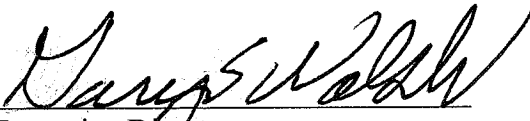
We agree with BellSouth, and hereby reverse NANPA's decision. We hold that BellSouth has demonstrated that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. NANPA is hereby directed to approve BellSouth's code assignment request originally submitted on or about April 5, 2002 for the assignment of an NXX code in the Summerville exchange needed to meet the number demands of American LaFrance's headquarters' move to the Summerville area. We believe that the additional numbering resource is necessary to meet the legitimate demand of BellSouth's customer for telecommunications service. Further, it should be noted that these requests would not materially impact exhaustion of the remaining 231 available NXXs in the 843 area code.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director  
(SEAL)